

10/500913

DT04 Rec'd PCT/PTO 0 8 JUL 2004  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Van Gilst et al.

**Serial No.:** To be assigned

**Filed:** July 8, 2004

**For:** USE OF ERYTHROPOIETIN FOR  
THE PREVENTIVE OR CURATIVE  
TREATMENT OF CARDIAC FAILURE

**Examiner:** To be assigned

**Group Art Unit:** To be assigned

**Attorney Docket No.:** 2578-6485US

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NOTICE OF EXPRESS MAILING

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Date of Deposit with USPS: July 8, 2004

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
WO 00/61164	10-19-2000	Kenneth S. Warren Laboratories
WO 01/82952 A2	11-8-2001	Action Pharmaceuticals APS
WO 03/057242 A1	07-17-2003	Crucell Holland B.V.

Other Documents

PCT International Search Report, PCT/NL03/00011, dated April 24, 2003.

PCT International Preliminary Examination Report, PCT/NL03/00011, December 10, 2003.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, Applicants hereby identify the following listed copending applications naming a common inventor(s):

Attorney Docket No.: 2183-5427US  
Serial No.: 10/189,809  
Filing Date: 7/3/2002  
Title: GENE THERAPY TO PROMOTE ANGIOGENESIS AND/OR THE  
TREATMENT OF HEART FAILURE

Attorney Docket No.: 2578-4622.1US  
Serial No.: 10/432,105  
Filing Date: 5/20/2003  
Title: ADENOVIRAL REPLICONS

Attorney Docket No.: 2578-6386US  
Serial No.: 10/494,140  
Filing Date: 4/29/2004  
Title: METHODS AND MEANS FOR PRODUCING PROTEINS WITH  
PREDETERMINED POST-TRANSLATIONAL MODIFICATIONS

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Attorney Docket No.: 2578-6485US

Attorney Docket No.: 2578-6158US  
Serial No.: 10/698,086  
Filing Date: 10/30/2003  
Title: METHODS FOR THE IDENTIFICATION OF ANTIVIRAL  
COMPOUNDS

This Information Disclosure Statement is filed within three (3) months of the filing date of the above-identified application, and no certification pursuant to 37 C.F.R. § 1.97(c) or a fee pursuant to 37 C.F.R. § 1.17(p) is required.

Respectfully submitted,

G. Scott Dorland, Ph.D.  
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Salt Lake City, Utah 84110-2550  
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Date: July 8, 2004  
GSD/bv

Enclosures: Form PTO-1449 or PTO/SB/08  
Cited Documents

Document in ProLaw

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	To be assigned 10/7500913
Filing Date	July 8, 2004
First Named Inventor	Van Gilst et al.
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	2578-6485US

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 00/61164	10-19-2000	Kenneth S. Warren Laboratories		
		WO 01/82952 A2	11-8-2001	Action Pharmaceuticals APS		
		WO 03/057242 A1	07-17-2003	Crucell Holland B.V.		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)***Complete if Known**

Application Number	To be assigned
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Examiner Name	To be assigned
Attorney Docket Number	2578-6485US

Sheet 2 of 2

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		PCT International Search Report, PCT/NL03/00011, dated April 24, 2003.	
		PCT International Preliminary Examination Report, PCT/NL03/00011, December 10, 2003.	

Examiner Signature		Date Considered	
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